

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

2021 NOV -2 PM 2:15

Marvin Myers,

PLAINTIFF, Pro se

PO Box 540

ST Clairsville, OH 43950

CIVIL ACTION NUMBER:

2: 21-cv-5191

CHIEF JUDGE

MAGISTRATE

JUDGE MORRISON

JUDGE VASURA

v.

Annette Chambers Smith, Director

OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION

4545 Fisher Rd Suite 200

COLUMBUS, OHIO 43228

-DEFENDANT'S, inclusive

Motion for Preliminary Injunction

Plaintiff moves the court for a **preliminary injunction** enjoining the defendant, **Annette Chambers Smith, Director** her agents, servants, employees and attorneys and all persons in active concert and participation with him, pending the final hearing and determination of this action, Stop opening, copying, inspecting Legal mail outside the presence of the inmate which is a clear violation of the 1st amendment of the US Constitution. on the grounds that

- (1) Unless restrained by this court defendant will perform the acts referred to;
- (2) Such action by the defendant will result in irreparable injury, loss and damage to the plaintiff, as more particularly appears in the verified complaint and the affidavit of in Support of Motion for Preliminary Injunction, attached hereto;
- (3) The issuance of a **preliminary injunction** herein will not cause undue inconvenience or loss to defendant but will prevent irreparable injury to plaintiff.

(or)

Upon the verified complaint herein, and upon the attached affidavits of in Support of Motion for Preliminary Injunction and, plaintiff moves the court for a **preliminary injunction**, as prayed for in the complaint and on the grounds therein set forth.


Marvin Myers 747557

PO Box 540

ST Clairsville OH 43950

Certificate of Service

I, Marvin Myers, plaintiff in the above-entitled action, hereby certify that on the day of 27th Nov, 2021, I served the attached upon, Ohio Attorney General Office attorney of record in the proceedings for defendant, by sending a copy of Motion for Preliminary Injunction to his office at 350 E Gay St St., , vis the US Mail.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
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v.

Annette Chambers Smith, Director

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-DEFENDANT'S, inclusive

Affidavit [in Support of Motion for Preliminary Injunction]

State of Ohio

County of Belmont

ss.:

Marvin Myers, being sworn, says:

1. He is the plaintiff in the above-entitled action.
2. This is an action for Preliminary Injunction against Annette Chambers Smith, Director

OHIO DEPARTMENT OF REHABILITATION AND CORRECTION

3. challenging the constitutionality of state prison regulations for the opening of prisoners' legal mail, and copying, & searching legal mail outside of the presence of the inmate. Thus violating

the 1st amendment of the US Constitution and violating the confidentiality rights of the inmate pertaining to legal mail.

4. The Plaintiff has an open legal case in 7th Dist Appellate Court Case No. 21 BE 21

5. The affiant does not wish to waive their rights to confidentiality & privacy in their legal matters.

6. Unless defendant is enjoined and restrained during the pendency of this action from the commission of the acts threatened by him as above set forth, the plaintiff will suffer great and irreparable damage, in

that. Mail will continue to be open (legal mail) outside the presence of person it's sent to. ODRC will continue to violate our Constitutional rights as an American citizen.

Marvin E Myers
Marvin E Myers
PO Box 540

ST Clairsville OH 43950

Sworn to before me this 27th day of Oct, 2021

(Official title)

(Seal)



JOHN D RUIZ
Notary Public, State of Ohio
My Commission Expires Aug. 11, 2024

Certificate of Service

I, Marin Myers, plaintiff in the above-entitled action, hereby certify that
on 2nd the day of Nov, 2021, I served the attached upon,
Chris Anthony General attorney of record in the proceedings for defendant, by sending a
copy of Affidavit in Support to his office at 350 E Gay St Columbus St., vis the US Mail.

Marin Myers

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Marvin Myers,

PLAINTIFF, Pro se

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OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION

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Notice of Preliminary Injunction

To:

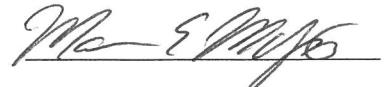
Attorney for Defendant

4545 Fisher Rd Suite 200

COLUMBUS, OHIO 43228

Please Take Notice that on the annexed affidavit of and upon the [verified] complaint, the plaintiff will move this court at Room , _____ Courthouse, _____, Ohio, on _____, 2021 at _____ .M., or as soon thereafter as counsel can be heard, for an order pursuant to Rule 65(B), Ohio Rules of Civil Procedure, enjoining and restraining the defendant, its officers, agents, servants, and employees, and all other persons in active concert or participation with defendant who receive actual notice of the order, during the pendency of this action, from, Stop opening, copying, inspecting Legal mail outside the presence

of the inmate which is a clear violation of the 1st amendment of the US Constitution.; on the ground that the acts of defendant (*or* threatened acts of defendant) are in violation of plaintiff's rights in the subject of the action and tend to render the judgment sought in this action ineffectual (*or* the plaintiff has demanded a permanent injunction and the acts of the defendant, if committed during the pendency of the action would produce injury to the plaintiff and render the ultimate relief ineffectual), all to the immediate and irreparable injury, loss, and damage of plaintiff; and for such other relief as may be just and proper.


PO Box 540

ST Clairsville OH 43950

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I, Marvin Myers, plaintiff in the above-entitled action, hereby certify that on
the 27th day of Nov, 2021, I served the attached upon,
Chris Anthony Caputo attorney of record in the proceedings for defendant, by sending a
copy of Notice of Hearing to his office at 350 E Bay St., , vis the US Mail.

